

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RANDOLPH K. BECK,

Plaintiff,

vs.

CSX TRANSPORTATION, INC.,  
a Corporation,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Cause No.: 3:09-cv-00001-WDS

COMPLAINT

Count I

(Federal Employer's Liability Act)

COMES NOW, Plaintiff, Randolph K. Beck, by and through his attorneys, Kujawski & Associates, P.C., and for Count I of his Complaint against the Defendant herein, CSX Transportation, Inc., a corporation (hereinafter "CSX"), states as follows:

1. That the jurisdiction of this Court is based upon an Act of Congress of the United States, that being the Federal Employer's Liability Act ("FELA"), 45 U.S.C.A. § 51 et seq., as hereinafter more fully shown.

2. That at all times relevant to this lawsuit, CSX was a common carrier by railroad which was engaged in interstate commerce within the meaning of FELA and was controlled, operated and maintained in interstate commerce, and in transporting interstate between and among various states, including the States of Illinois and Indiana.

4. That CSX conducts railroad operations and a substantial part of its overall railroading business within the area which comprises this United States District Court.

5. That at all times relevant to this lawsuit, and up to and including April 27, 2006, Plaintiff was a machinist employee for CSX.

6. That in performing his duties as a machinist for CSX, Plaintiff was performing services for the overall railroading operation of CSX which, in turn, furthered interstate commerce.

7. That in performing his duties as a machinist for CSX at all times relevant to this lawsuit, Plaintiff was acting within the course and scope of his employment with and acting at the direction of CSX and its managing personnel.

8. That on or about April 27, 2006, at approximately 4:30 p.m., while working in the CSX Howell Yard in Evansville, Indiana, Plaintiff fell off of a locomotive engine while attempting to check on a headlight on said locomotive, thus causing Plaintiff to sustain and experience serious and permanent personal injuries, as hereinafter alleged and set forth.

9. That at said time and place, Defendant, CSX, was negligent and violated FELA in one or more of the following respects:

- (a) It failed to provide Plaintiff with a safe place in which to perform his work;
- (b) It failed to give the Plaintiff adequate training concerning the activities he was performing at the time of the accident with which to safely perform his assigned duties;
- (c) It failed to provide Plaintiff with mechanical equipment, including but not limited to hoists or lifts, with which to safely perform his assigned duties;
- (d) It allowed a designated electrician's task to be performed by Plaintiff, a machinist;
- (e) It failed to provide and install work platforms for workers such as Plaintiff to allow them to have safe access to locomotives to work on and inspect them; and
- (f) It failed to provide and install crosswalk chains between the engines so as to possibly prevent the accident which did occur from occurring.

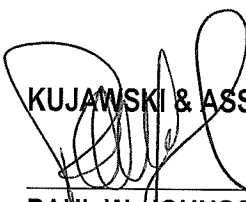
10. As a direct and proximate result of one or more of the foregoing acts and omissions of negligence and violations of FELA on the part of Defendant, CSX, Plaintiff sustained serious, permanent and progressive physical and emotional injuries, including: significant cuts and lacerations to his body and head; significant head injuries; constant headaches; significant back injuries which will require lumbar

surgery; nerve damage to his left leg; post-traumatic stress disorder, anxiety, and panic attacks; and post-concussion syndrome.

11. As a direct and proximate result of the aforementioned acts and omissions of negligence and violations of FELA on the part of CSX, Plaintiff has sustained and experienced the following damages: past and future medical expenses; past and future lost income and lost income opportunity; past and future pain and suffering associated with his personal injuries and emotional injuries; the loss of a normal life; and significant and permanent disability and disfigurement.

WHEREFORE, Plaintiff, RANDOLPH K. BECK, prays that Judgment be entered in his favor and against Defendant, CSX TRANSPORTATION, INC. a Corporation, in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), that he be awarded his recoverable and taxable Court costs and litigation expenses herein, and for such other and further relief as this Court deems equitable and just.

**PLAINTIFF DEMANDS TRIAL BY JURY**

By:  **KUJAWSKI & ASSOCIATES, P.C.**  
**PAUL W. JOHNSON, #6193774**  
1331 Park Plaza Drive, Suite 2  
O'Fallon, Illinois 62269-1764  
618/622-3600 – Telephone  
618/622-3700 – Facsimile  
**ATTORNEYS FOR THE PLAINTIFF.**